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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DENIS JOSEPH CAREL VAN OERS
and JELLE HILBRAND SCHUURMANS

Appeal 2009-003599
Application 10/510,471
Technology Center 2800

Decided: September 17, 2009

Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT,
and ROBERT E. NAPPI, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 2, 4-7, 9, and 10. Claims 11-15 are indicated as allowable and claims 3 and 8 are objected to by the Examiner for being dependent on rejected claims, but otherwise allowable if rewritten in independent form to include all the limitations of their base claim and those of any intervening claims. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to a lighting unit having a concave reflector and a cap for intercepting unreflected light rays and a screening ring for preventing additional unreflected emission of light (Spec. 1:21-28).

Independent Claim 1 is illustrative of the invention and reads as follows:

1. A lighting unit provided with a concave reflector having an axis of symmetry and with a light emission window bounded by an edge of the reflector which surrounds the axis transversely thereto,

an elongate light source which is axially arranged substantially on the axis of symmetry and which is accommodated in a holder opposite the light emission window, and

a cup-shaped axially positioned cap serving as an optical screening means that partly surrounds the light source for intercepting unreflected light rays, characterized in that the cap is surrounded at a distance d by a screening ring which extends over a height h in the direction of the light emission window.

The Examiner relies on the following prior art in rejecting the claims:

Maassen	EU 0 336 478 A1	Oct. 11, 1989
Montet	US 6,435,704 B1	Aug. 20, 2002

Claims 1, 2, 6, and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Montet.

Claims 4, 5, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Montet and Maassen.

Rather than repeat the arguments here, we make reference to the Briefs (Appeal Brief filed Jan. 2, 2007, and Reply Brief filed Oct. 22, 2007) and the Answer (mailed Aug. 21, 2007) for the respective positions of Appellants and the Examiner.

ISSUE

Have Appellants shown that the Examiner erred in rejecting the claims under 35 U.S.C. §§ 102(e) and 103(a)? The issue specifically turns on whether Montet anticipates Appellants' claimed invention by disclosing that "the cap is surrounded at a distance d by a screening ring which extends over a height h in the direction of the light emission window," As recited in claims 1 and 6.

FINDINGS OF FACT

1. Montet relates to vehicle headlight having a light source, a reflector, and a mask. (Abstract; col. 1, ll. 41-47.)

2. As depicted in Figures 12-17 of Montet, the mask assembly includes a cap 400, which has a cylindrical shape and is closed at the front by a base wall. A set of annular elements 420, 426, and 427 constitute the walls of the cap 400 and are inscribed in the cylindrical wall and centered on the axis X. (Col. 8, ll. 45-51.)

3. Montet further discloses that the annular elements 420, 426, and 427 are fixed on four mounting members 429, 430, and 440, which carry a solid wall at their front end. (Col. 9, ll. 5-9.)

PRINCIPLE OF LAW

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

ANALYSIS

As described above, the headlight disclosed by Montet includes a mask in front of the light source and the reflector (FF 1). The mask, in turn, includes a cap having a closed, solid wall at the front and a set of annular elements forming the walls of the cap (FF 2-3). As such, we disagree with the Examiner's characterization of the annular elements 420, 426, and 427 of Montet as the claimed screening ring (Ans. 6). As argued by Appellants (App. Br. 10; Reply Br. 9-10), these elements that form the walls of the cap cannot surround itself. In other words, the elements that form the walls of the cap cannot be part of the cap and surround the cap (*See* FF 2-3).

We also disagree with the Examiner's position (Ans. 6) that, because the claims do not require the ring to be separate from the cap, the annular elements of Montet meet the claimed screening ring. Even if the screening ring is not separate from the cap, the claimed requirement of "the cap is

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surrounded at a distance d by a screening ring” requires both a screening ring and a cap. As discussed above, the annular elements of Montet are parts of the cap and cannot be both the screening ring and the cap while one is to surround the other.

CONCLUSION

On the record before us, we find that Appellants have shown error in the Examiner’s position that Montet anticipates Appellants’ claimed invention. Therefore, in view of our analysis above, the 35 U.S.C. § 102 rejection of claims 1, 2, 6, and 7 as anticipated by Montet cannot be sustained. Additionally, we do not sustain the 35 U.S.C. § 103 rejection of claims 4, 5, 9, and 10 over Montet and Maassen as the Examiner has not identified any teachings in Maassen related to a screening ring that surrounds the cap.

DECISION

The decision of the Examiner rejecting claims 1, 2, 4-7, 9, and 10 is reversed.

REVERSED

babc

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